

REMARKS

Upon entry of this Response, claims 1-6 and 9-42 will remain pending in the present application.

Claims 1-6 and 9-42 stand rejected under 35 U.S.C § 103(a) as allegedly being unpatentable over U.S. Patent No. 6,583,815 to Driscoll, Jr. et al (“Driscoll”), and U.S. Patent No. 6,606,117 to Windle (“Windle”) and U.S. Patent No. 5,686,957 to Baker (“Baker”). As previously amended, independent claims 1, 5, 9, 10, 20, 25, 26, 39 and 40 each recite that the associated directional sound capture device, or means for capturing directional sound, is responsive to a viewing direction of the panoramic visual images recording device.

The Examiner acknowledges that neither Driscoll nor Windle show specifically that the sound capturing device is responsive to a viewing direction of the image recording device. To account for the deficiencies of Driscoll, Windle and the combination of Driscoll and Windle, the Examiner applies Baker as disclosing directional sound capturing responsive to a viewing direction in a mutually responsive video/audio system. According to the Examiner, it would have been obvious to one of ordinary skill in the art to combine the teachings of Driscoll and Windle with the teachings of Baker because it would allow for the obtaining of images and associated directional sound for playback, especially in a system in which the capturing devices for images and sound are distant from each other.

Applicants submit that neither Driscoll, Windle nor Baker, nor the combination of any of the applied references, disclose, teach or suggest an associated directional sound capturing device that is responsive to a viewing direction of a panoramic visual images recording device. Baker discloses a teleconferencing system including multiple microphones and a video camera that can be directed according to which microphone is activated. As recited in Column 9 lines 20-25 of Baker:

The primary purpose of the invention is to provide automated camera steering of the video camera scenes based on which particular participant is currently speaking. Therefore, the audio energy from a particular

participant speaking will be the basis for directing the video camera imaging.

Applicants submit that a specific sound capturing device of Baker directs the viewing direction of the camera, whereas Applicants' sound capturing device is responsive to a viewing direction of the visual image capturing device. The purpose of Baker is to allow users to direct the viewing direction of a camera according to which microphone is activated. Accordingly, Applicants submit that even if the teachings of Driscoll, Windle and Baker were combined, the resulting combination would not disclose all of Applicants' claimed features, i.e. that the sound capturing device that is responsive to a viewing direction of a panoramic visual images recording device. Accordingly, Applicants submit that Baker does not remedy the deficiencies of Driscoll, Windle or the combination of Driscoll and Baker, i.e., that the associated directional sound capturing device is responsive to a viewing direction of the panoramic visual images recording device.

The Examiner's assertion that Baker discloses a directional sound capturing device responsive to a viewing direction of an image capture device is inaccurate. Baker discloses an image capture device that is responsive to a sound capturing device. Baker does not disclose a sound capturing device that is responsive to a viewing direction of a panoramic visual images recording device as recited in Applicants' claims. Furthermore, it is Applicants' position that there is no suggestion or motivation in the cited references to either modify the references or to combine the reference teachings in order to obtain the claimed invention. Accordingly, it is clear that the Examiner's motivation for combining Driscoll, Windle and Baker is merely hindsight and is fully based upon the knowledge and teachings of the present application. Of course, it is well settled and has long been recognized that such a use of hindsight is not a proper criteria for providing the suggestion or motivation for combining references.

Applicants submit that independent claims 1, 5, 9, 10, 20, 25, 26, 39 and 40, and the claims depending therefrom, are patentable over the applied references.

In view of the foregoing remarks and amendments set forth herein, it is submitted that claims 1-6 and 9-42 are patentable over the cited references and, therefore, are in condition for allowance. Applicants respectfully request that a timely Notice of Allowance be issued for these claims. In the event that any other outstanding matters remain in connection with the present application, the Examiner is invited to telephone the undersigned to expedite the handling of such matters.

Respectfully submitted,



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